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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,989

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Bernard Sams

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10/31/2006

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EXAMINER

GEHMAN, BRYON P

ART UNIT

PAPER NUMBER

3728

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/530,989

Applicant(s)

SAMS ET AL.

Examiner

Bryon P. Gehman

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-23 is/are rejected.
- 7) ☒ Claim(s) 9, 10 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-10, 12-13 and 19-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 2, line 3, "the container tray" is inconsistent with prior terminology and should be just --tray--.

In claim 5, lines 2-3, "barb-like" is indefinite in what manner and scope the pin is "barb-like". See also claim 6, line 2, claim 7, lines 2 and 7, claim 9, line 2 and claim 19, line 12.

In claim 7, line 5, "said remote end" is inconsistent or lacks antecedent basis from "end remote" in line 3. In line 7, "on opening the pack" is indefinite, as no means to do so is described,

In claim 20, line 2, "the pin a shoulder part-way between the ends of the pin" does not make a coherent statement and is indefinite.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 5, 11-13 and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bush (6,679,381) (Figure 7). Claims 1-5, 7, 11-13, 15 and 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated Brozell (6,173,838). Claims 1-7, 12-13, 15, 17, 19-20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated Doull (4,998,623). Claims 1-2, 11 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Tump (4,915,256). Each discloses packaging capable of receiving a blister pack containing medication pills, which packaging comprises a container (10; 10; 10; 2; respectively) having a tray (14; 22; 16; 4 or 8) for receiving the blister pack and a lid (12; 22; 14; 6) hinged to the tray for movement between a closed position where the pack is wholly enclosed within the container and an open position where access may be gained to the pack, and a pin (17; 26 or 28; 46; 34) carried by one of the tray and the lid to project towards the other of the tray and the lid, the pin being configured so that a blister pack may be engaged with the pin (see column 4, lines 10-26; Figure 11; see Figures 2 and 4; see Figure 3) where removal of the pack from the pin is resisted thereby retaining the pack within the packaging.

As to claim 2, each discloses the pin disposed internally of the container and permanently secured to a major area of one of the tray and lid.

As to claim 3-4 and 19, Brozell and Doull each disclose the pin extending wholly to the other portion it is not secured to and an aperture (32; inside 50).

As to claims 5 and 12-13, Bush, Brozell and Doull each disclose a barb-shaped formation (17 appears to have a larger barbed end; free end of 26 or 28; at 48) on the end of the pin, and plural pins aligned in a row.

As to claim 6, Doull discloses barb-shaped formations on opposed sides of the pin.

As to claims 7, 15 and 20, Brozell and Doull each disclose the pin provided with at least one barb-shaped formation and wherein the remote end of the pin presses the pack onto the pin when entering the aperture so that the pack is retained on the pin, and the tray having a first flange (24; 40) and a second flange (30; 44).

As to claim 11, Bush, Brozell and Tump disclose the pin provided in a corner of the tray to engage a corner portion of a blister pack.

As to claim 17, each discloses a catch mechanism.

As to claim 18, Bush and Brozell each disclose the catch mechanism to have child-resistant properties.

As to claim 21, Brozell discloses the pin provided in a corner of the tray to engage a corner portion of a blister pack.

As to claim 22, Brozell and Doull each discloses a catch mechanism.

As to claim 23, Brozell discloses the catch mechanism to have child-resistant properties.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Bush and Brozell in view of Mueller (5,848,689). Mueller discloses providing a plastically deformable pin (40) to retain its content thereon. To modify the pin of either one of Bush and Brozell to deform so as to retain its content would have been obvious in view of Mueller's teaching of doing the exact same action for the same purpose.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Bush, Brozell, Doull and Tump. To provide the pin in various symmetrical shapes would fail to distinguish any new or unexpected result by its design choice.

9. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 9 and 10 each would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each discloses pins engaging a blister pack. .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 7:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



BPG

Bryon P. Gehman
Primary Examiner
Art Unit 3728